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CITY OF OAKLAND
POLICE DEPARTMENT

OAKLAND POLICE DEPARTMENT
HISTORY - 1919
(PART 3)

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PART III:

THE POLICE SCANDAL OF 1919

by

Phil McArdle

THE SCANDAL BEGINS

World War I ended on November 11, 1918, but it was not until the spring of 1919 that large numbers of veterans began to reach home. Despite the deadly Spanish Influenza, there was a spirit of optimism in Oakland and a hope -- shared with the rest of the nation -- that life would soon return to normal.

In the Police Department this mood soon faded. From April through November the Department was preoccupied by one of the most painful episodes in its history, a grinding series of internal hearings and public trials on allegations that high officials were taking graft.*

Although the Department performed extremely well during World War I, there were areas of concern regarding enforcement of "wartime prohibition," prostitution, and gambling statutes. At one point the Navy Department threatened to declare Oakland off limits to military personnel. This led to inconclusive investigations in 1918 by the Grand Jury and by a committee of the State Senate. These were followed by newspaper exposes. So, even though the Department's reputation in the community was deservedly high, there was

*This account relies on surviving Court and Departmental records and on reports published in The Oakland Tribune, The Oakland Enquirer, The San Francisco Chronicle, and The San Francisco Examiner. All four papers covered these events extensively, and their reports overlapped, particularly in their detailed quotations from courtroom testimony. Rather than burden the reader with an elaborate set of footnotes for information which can be verified easily in the newspapers, only the dates of events and testimony are specified.

an undercurrent of malaise, a persistent feeling that something was not quite right.

Charges and Countercharges.

Former Chief of Police Walter J. Petersen, home from France, returned to duty as Captain of Inspectors (his civil service rank) on Wednesday, April 2, 1919. When he arrived at his office that morning, he "spoke a few formal words of greeting to the 'boys,' thanking them for their loyalty in the past." He also told the assembled Inspectors and newspaper reporters that he expected to be reappointed soon as chief, and outlined his thoughts on "the future policy of the department."

Chief John Henry Nedderman and other officials called on Petersen during the morning and professed themselves pleased to see him back at work. The atmosphere of civil good cheer was ruffled only by the Commissioner of Public Health and Safety, Fred Farnham Morse, who told inquiring reporters that he "contemplated no immediate change in the position of chief."

After this, Captain Petersen disappeared from the news for three weeks.

He reappeared on Wednesday, April 23, amidst sensational reports of his investigation into graft in Oakland. The newspapers said that he had a signed statement from Charles Nightingale,* a suspended police officer, which alleged that Chief Nedderman and Dr. Frank F. Jackson,** the former Commissioner of Public Health and Safety, had been extorting "protection money" from gamblers. Nightingale was quoted as saying, among other things, that he (Nightingale) was getting \$7.50 per month from every Chinese gambling house on his beat, that other officers were getting the same, and that "Nedderman and Jackson made a lot of money out of Chinese graft." Nightingale estimated that the graft came to \$10,000 per month or more.

*Nightingale was on suspension following a conviction in police court of "malicious mischief." Angered by the refusal of The Oakland Enquirer to award his wife a prize in a subscription contest, he went to its offices on April 2, 1919, smashed a plate glass window, and damaged the prizes.

**Oakland was governed by a commission form of government in 1919. Each Council member served as the Commissioner in charge of a City department. The Commissioners had a high degree of autonomy and exercised powerful influence in the day-to-day operations of their departments. The Commissions were superceded by the City Manager system in 1931.

Dr. Jackson was Commissioner of Public Health and Safety from 1916 to 1918. He was removed by a vote of the City Council (his fellow commissioners), on September 26, 1918, and transferred to Public Works. F. F. Morse, who had headed Public Works, moved to Health and Safety.

Dr. Jackson, who had appointed Nedderman as chief of police, was a candidate for reelection as Commissioner of Public Works in the municipal election which was to be held on May 6 -- only thirteen days away. His principal opponent was William J. Baccus, a candidate whose support included Mayor John L. Davie and Captain Petersen. Baccus and Captain Petersen were friends.

The newspaper reports provoked intense reactions. Nightingale promptly denied making the statement Petersen attributed to him. Jackson immediately branded Petersen's charges as politically inspired falsehoods designed to secure the election of Baccus and his own reappointment as chief. Chief Nedderman issued a statement which said, in part:

The charges made by Captain Petersen against me are vicious lies, and he knows it. He knows that the conditions in the police department have improved since I succeeded him as chief of police.

In his administration \$10,000 a month may have been collected and divided among a favored few.

On one occasion he called me and other officers into his presence and informed us that lotteries and gambling were not to be molested by any of us...Not only do I brand the charges made by Captain Petersen as vicious lies, but I have requested the Commissioner of Public Health and Safety to make a thorough investigation in the matter...

Captain Petersen denied the countercharges, saying he had never accepted graft or instructed officers to tolerate gambling, and that "I never asked Mr. Baccus to appoint me chief of police and I never had a conversation with him concerning who should be chief of police in the event of his election." He also said that, while he had been in France, Dr. Jackson had attempted to abolish his rights under civil service.

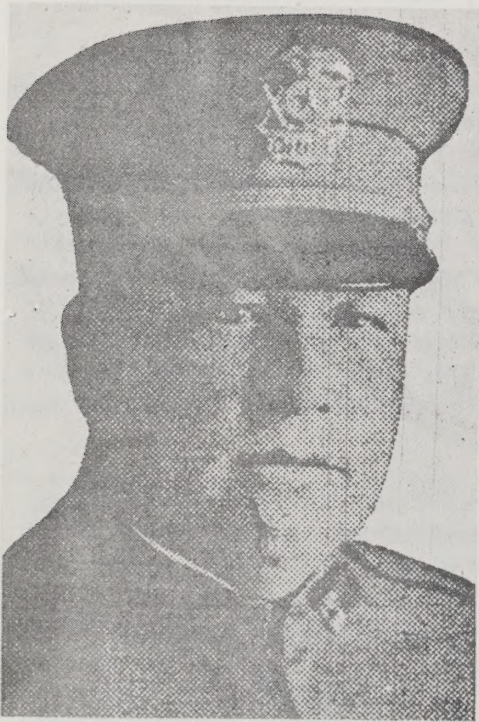
Mr. Baccus pointed out that, even if he were to be elected Commissioner of Public Works, Mr. Morse would still be the Commissioner of Public Health and Safety, and would still appoint the chief of police.

A report released by Lieutenant William F. Woods (himself a former police chief) supported Captain Petersen's allegations. According to Woods, when he took charge of the morals squad in 1918 Officer Nightingale was detailed by Chief Nedderman "to work out of the Chief's office, not cooperating with the squad, but reporting direct to Nedderman. I found adverse influences from this time on." Woods' report, corroborated by officers who had been on his squad, asserted that prostitutes and gamblers were tipped off during "a systematic campaign by officers on the downtown beats to nullify his work."

District Attorney Decoto said he would not proceed until after the election. "If anything tangible is presented to me," he added, "I will call



Captain Walter J. Petersen



Chief J. Henry Nedderman



Officer Charles Nightingale

for a grand jury investigation. Captain Petersen can get the dope if anyone can."

The Morse Hearing

Dr. Jackson and Chief Nedderman demanded that Commissioner Morse hold hearings on the charges. Initially he agreed, scheduled a hearing, and then, after a conference with the District Attorney, cancelled it. He announced, instead, that he was postponing his hearings "until the District Attorney has made a fuller investigation of the whole affair...My feeling is that, in justice to the political situation and parties involved, precipitate action should not be taken..." He directed Captain Petersen to turn his evidence over to the District Attorney.

This did not satisfy Dr. Jackson or Chief Nedderman, and at their insistence, Commissioner Morse changed his mind once more. He rescheduled the hearings and promised to investigate the charges and fire whoever was culpable -- Nedderman, Petersen, or anyone else. Chief Nedderman wrote a letter to Captain Petersen stating that he would provide "every possible aid in having [your] witnesses relieved from duty" so that they would be able to testify.

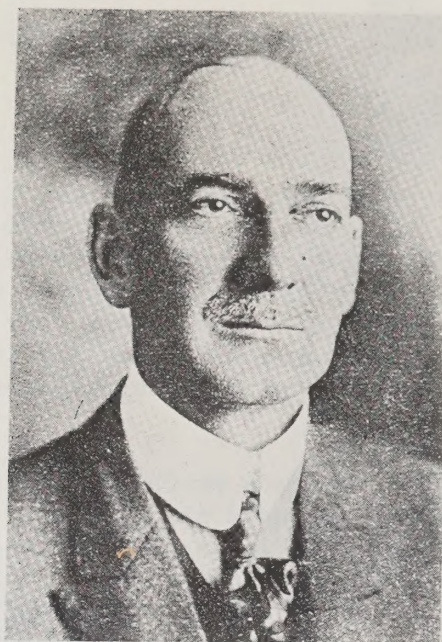
Even after the District Attorney announced that the charges were being placed before the Grand Jury, Morse continued to treat the matter as a Departmental affair. Grand Jury indictments, however, were (and are) intrinsically more serious than City hearings. The Commissioners could only fire people; indictments by the Grand Jury could lead to prison.

The District Attorney took the position that Commissioner Morse should await the outcome of the Grand Jury investigation before taking any action. He asked Morse repeatedly not to hold a Departmental hearing because it would hamper his efforts to start criminal proceedings. To the press Decoto said, "In the face of these requests, if he insists on having a hearing, the only effect of which will be to embarrass the efforts of this office to get the necessary evidence to make possible a criminal prosecution, then the responsibility for any miscarriage of justice must rest upon his shoulders."

Nevertheless, having made up his mind, Commissioner Morse stuck to his agenda. He conducted the hearing and on May 3, three days before the election, he submitted a written report to the City Council which stated, in part:

I have been investigating the matter in my office for the past three days, during which time I have examined numerous witnesses and have practically finished the investigation...

In fairness to the public and to Dr. Jackson, the commissioner whose name has been linked with the alleged misconduct, I desire to state that no evidence has been received to indicate that Dr. Jackson is, or has been in any way connected with the alleged misconduct.



Commissioner Fred F. Morse



Commissioner William J. Baccus



Commissioner F. F. Jackson

He also exonerated Chief Nedderman.

The District Attorney immediately demanded a complete transcript of the hearing and directed that Captain Petersen and other officers "whom I will later designate be detailed to assist me in whatever investigation I may deem it advisable to make." His investigation eventually covered the entire period of Chief Nedderman's incumbency -- nineteen months -- with special emphasis on the events of 1918.

Election Day

On Tuesday, May 6, William J. Baccus defeated Dr. Jackson. Some Oakland politicians took this to mean that, no matter what the Grand Jury did, Captain Petersen would soon supplant Chief Nedderman.

The Grand Jury Hearings

The Grand Jury hearings were extensive. On Thursday, May 15, the week after the election and twenty three days after the first reports of Captain Petersen's investigation, the Grand Jury released the results of its work.

Chief Nedderman was indicted on 12 counts of accepting bribes; Dave Cockrell*, a gambler, on nineteen counts of extortion; and Corporal Thomas O'Neill, head of the Chinatown detail, on five counts specifying "individual collections." A newspaper summary of the Grand Jury's findings said:

Thirty-four witnesses were questioned by the Grand Jurors, and reported astonishing conditions with reference to the Chinese lotteries. Chinese game keepers testified that for years they had paid \$5 a month for police protection. Later, they declared, a corporal of police... raised this sum to \$7.50 a month. A few months ago, they declared, [Dave] Cockrell, representing Chief Nedderman, increased this to \$40 a month.

According to the disclosures made to the Grand Jurors, some seventy-five Chinese lottery places, three white gambling clubs and at least six houses of prostitution were paying tribute to Chief Nedderman through Cockrell and members of the Police Department. It was estimated by the Grand Jurors that the amount thus paid for protection amounted to approximately \$10,000 a month.

*Decoto described David William Cockrell as "a well known figure in Oakland sporting circles." His Oakland arrest record dated at least from 1915, when he was convicted of running a percentage poker game at the Hotel Oakland; that is, a game in which a percentage of the winnings were set aside for the "house." Draw poker and certain other games were legal, but all percentage or "banking" games were illegal.

The first arrest resulting from the indictments had occurred on the previous Sunday morning when Captain Petersen arrested Dave Cockrell while the gambler was having breakfast in his rooms at the luxurious Hotel Oakland. Cockrell was held in the Berkeley city jail for five days. After posting bail, he accused the Berkeley Police Department of subjecting him to the third degree. Berkeley Chief of Police Vollmer denied the charge. He said "The women's ward...was turned over to [Cockrell] and the police even furnished him with cigars." Newspaper reporters saw no signs of the neck injuries Cockrell said had been inflicted on him.

Chief Nedderman was arrested on Wednesday morning, the 14th of May, as he and his attorney, Peter J. Crosby, left Dr. Jackson's office at City Hall. When he was taken into custody by two Alameda County Deputy Sheriffs, he said, "My arrest is not unexpected. It is a frame-up. I am ready and willing to meet the issue and have no fear of the consequences." He was released on bail, and in a formal statement issued through his attorney he said,

I positively deny the charges that have been lodged against me by the grand jury and I stand ready to meet them in court. This whole affair has been arranged for political purposes. Captain Petersen has been using every means to reflect upon my honesty and integrity and upon my conduct of the office of chief of police of this city for the sole purpose of having himself made chief of police in my stead.

Corporal O'Neill was arrested at his ranch in Calistoga on Thursday morning, May 15. A Napa County Sheriff took him into custody on a warrant telegraphed to Napa by Frank Barnett, the Sheriff of Alameda County. O'Neill said, "The charges are entirely unjustified and have no foundation ...I have never taken a dishonest dollar...my record with the Oakland police department for the past year has been creditable. I expected a promotion for meritorious service before July 1."

The District Attorney declared that he had a strong case and would not offer immunity to any of the accused as an inducement to confess.

Nedderman's Resignation

Following his release on bail Chief Nedderman returned to work as usual -- at least, to all appearances. It was remarked that "his face radiated health and vigor...and [he] inquired after police affairs as if he had been away for a day on a fishing jaunt instead of in the county jail." He said he intended to continue to act as Chief of Police unless removed or suspended. (It was subsequently reported that he spent a great deal of the time in his office conferring with his attorney and removing papers from his files.)

Commissioner Morse told the press he would retain Nedderman as Chief on the principle that "a man should be considered innocent until proved guilty." After another conference with the District Attorney, he decided that a change would have to be made.

Wednesday afternoon, May 16, Morse issued a statement saying that he expected to receive Nedderman's resignation the next morning or else he would take steps to suspend or remove him. At 11 o'clock the following morning, Nedderman submitted his resignation. At noon, John Francis ("Frank") Lynch, the senior Captain of Police, was appointed as Chief.

Nedderman gave his unqualified support to Captain Lynch and said to the commissioners, "I have known Captain Lynch for years and know him to be a good and capable officer, kind and considerate and completely honest and trustworthy. A better selection could not have been made."

Captain Petersen said, "I am pleased to know that Captain Lynch will have succeeded him."*

Ordinance No. 1624 N.S.

In a Saturday session on June 11, the City Council unanimously passed Ordinance No. 1624, N.S., "An Ordinance for the Suppression of Public Gambling and Betting..." The new ordinance declared it to be "unlawful for any person in any public place within the City of Oakland to gamble at cards, dice or any other game, device or contrivance." Violators were subject, at the judge's discretion, to fines of up to \$200 or up to 90 days in jail. This replaced the old ordinance under which "card rooms" were licensed at \$5.00 per year, and it was intended to cover types of gambling not regulated or prohibited by state law.**

The new ordinance did not please everyone. "I hold no brief for commercialized gambling," said one attorney, "but we do not believe the public sentiment demands a law so strong as the present one. The harmless forms of games of chance, such as raffles, shaking of dice for cigars, or concessions at Idora park, for instance, I do not believe were intended to come under the ban..."

In Commissioner Morse's view a new law was necessary although he, personally, did not intend "to strike at dice games and harmless play." He declared he would not interfere with whatever enforcement policy the Chief of Police decided to follow.

*Chief Lynch was "the most popular man in the Oakland police department." Born in Oakland in 1870, educated in the local public schools, he worked in the newspaper business before joining the Department. In January, 1898, at 28, he became a police officer. He won top marks on the Sergeants' examination on January 8, 1904. A year and five months later he passed the examination for detective. On August 3, 1910 he was promoted to Captain.

**This ordinance endured. It is currently Section 3-5.06, "Gambling and Betting," in Article 5, Games of Chance, of the Oakland Municipal Code.



Chief J. Frank Lynch

Chief Lynch said, "I will make arrests wherever I see any game of chance being played in a public place, and let the courts decide in the matter. I will obey the law as I see it, so far as I know it prohibits any form of gambling from the raffle of a pillow at a church fair to shaking dice for drinks. It is not up to me to make interpretations, so I will make arrests and let the courts lay down precedents."

THE FIRST GRAFT TRIAL

The graft prosecution began with the trial of J. H. Nedderman on the first count of the Grand Jury's indictment -- that he had accepted a \$250 bribe for the protection of illegal gambling from Herman Looz, proprietor of the Bartenders' Club at 419 Twelfth Street (Twelfth and Broadway). The trial began on June 23, and ended twenty-seven days later on July 19. Even allowing for Independence Day and an illness which briefly incapacitated the judge, it was considered an exceptionally long trial. It was also thought to have been the most heavily attended ever held in Alameda County. In Oakland pool halls on opening day the gamblers offered odds of 10-8 that Nedderman would be acquitted.

The trial was held in Superior Court and presided over by Judge James G. Quinn. District Attorney Decoto led the prosecution, and was assisted by his Chief Deputy, Theodore Wittschen.* Attorney Peter Crosby represented the defendant.

*Earl Warren was still a junior member of the City Attorney's staff. He joined the District Attorney's Office in 1920.



District Attorney Ezra Decoto

AS
No. 2130

INDICTMENT

— FOR —

Felony, to-wit: A violation of
Section 68 of the Penal Code
of the State of California.

The People of the State of California
against

J. H. NEDDERMAN

Chg 250

A TRUE BILL:

Clara Morgan
Foreman of the Grand Jury

Presented by the Foreman of the Grand
Jury, in the presence of the Grand Jury, in
open Superior Court of the County of Alameda,
State of California, and filed as a
record of said Court, this 14th
day of May
A. D. 1919

GEO. E. GROSS

Clerk

By *L. Russell*
Deputy Clerk

Ezra Decoto
District Attorney

Indictment: J. H. Nedderman

Jury selection took two days. A major question probed in the examination of the potential jurors was their attitude toward Chinese witnesses. The District Attorney, for example, asked one candidate whether "you would give the same credence to the testimony of a Chinese lottery operator that you would to the testimony of a member of the white race, other things being equal?" When the candidate bluntly answered "No," the District Attorney dismissed him. Nedderman's attorney wanted to know, "If any witness testifying against the defendant had been engaged in illegal gambling...and had been arrested frequently by the Chief of Police, would you take into consideration the possibility that this witness might be seeking revenge?"

The jury finally chosen consisted of six men and six women. The presence of so many female jurors was a novelty. The newspapers reported such facts as what the women ate for breakfast and what arrangements they made when the jury was locked up overnight.

Opening Statements

On Wednesday, June 25, when the preliminaries were over and the trial actually began, by consent of the Court and counsels, the defense and the prosecution each made opening statements.

District Attorney Decoto said he intended to demonstrate that Chief Nedderman had solicited and taken bribes from Herman Loorz in exchange for allowing illegal gambling at the Bartenders' Club. He would show that these crimes were part of an on-going criminal conspiracy and, after presenting his evidence, he would ask the jury to return a guilty verdict.

Mr. Crosby declared that the graft charges resulted from a conspiracy by Captain Peterson to oust Nedderman from office in order to become chief once more. Nightingale's confession, he said, was written and signed under duress, Loorz was a liar, and testimony to other alleged criminal activity was irrelevant to the actual charge. He would show Nedderman's innocence.

Herman Loorz

The first witness called to the stand was Herman Loorz. "Nedderman told me of arrangements whereby I should pay \$250 a month for the protection of gambling," Loorz testified. He went on to say that Nedderman and Commissioner Jackson had arranged for Dave Cockrell to call on him at the Bartenders' Club and collect the payments. Loorz said this took place "in Nedderman's automobile, according to a prearranged appointment over the telephone."

Loorz testified that when Cockrell came to the Bartenders' Club for the first collection he looked the place over and demanded a half interest in it. Loorz refused and told Chief Nedderman he would not pay Cockrell again. "From that time on," said Loorz, "I paid my money directly to Chief Nedderman." He paid \$250 a month "for nine consecutive months, from December, 1917 to August, 1918." Sometimes he paid the Chief in his office at City Hall, and at other times he made the payments at the Chief's home.

Loorz also testified that he paid \$40 a month to Corporal Thomas O'Neill. When he complained to Chief Nedderman about the extra bite, O'Neill was removed from the beat. Within a short time, though, O'Neill was back demanding more "hush" money.

On cross-examination, Loorz testified that there was no illegal gambling in his club while Captain Petersen was chief. But after Nedderman became chief, he said, gambling began in the back room and buzzers were put in to warn players of raids.

Jue Moy

Friday morning, June 27, the defense attempted to prevent the Chinese witnesses from testifying on the grounds that anything they might say would be irrelevant, but Judge Quinn ruled that they could be put on the stand.

Jue Moy, the first Chinese gambler called, impressed observers as a candid witness. Even though frequently interrupted by objections from the defense, Moy said clearly that he owned six Oakland lotteries in 1918, had known Dave Cockrell for six years, and had dealt with him often. He testified that Cockrell approached him for protection money early in 1918. "He say he could make my house run. He had good friend up there, he say. Jackson, Commissioner Jackson, good friend of his, he say." Asked when he began to pay Cockrell \$40 a month for each of his gambling houses, Moy answered, "March first month I pay him. I pay him March about four houses. Every other month I pay him for six houses..."

Asked about his lottery operations while Captain Petersen was Chief of Police, Jue Moy answered, "Some time me still, and sometime me run. When the police come, me shoot the players through the back door. They run away then."

Jue Moy's testimony did not mention Nedderman by name.

On Monday, June 30, Crosby said he would show through cross-examination of Jue Moy that Chief Nedderman had no connection with Dave Cockrell. His questions suggested that while Cockrell may have collected hush money and promised police protection for the lotteries, Chief Nedderman directed raids which cost the gamblers' money. Because they thought they were being double-crossed, he said, the Chinese gamblers became angry at Nedderman and wanted him convicted. The prosecution objected to this line of questioning.

Then the prosecution produced a sensation by placing Deputy Sheriff S. B. Vandervoort, a qualified handwriting expert, on the stand and introducing memoranda which he identified as being in Cockrell's handwriting. This physical evidence of contact between Jue Moy and Cockrell consisted of slips of paper on which Cockrell had written telephone numbers where Jue Moy could reach him if problems arose with police protection. One telephone number was for Cockrell's rooms at the Hotel Oakland, and another was for the Dunbar Club, a place he was known to frequent.

Sheriff Veale and "Little Ernest"

The prosecution attacked the claim that Nedderman had no connection with Cockrell by introducing two witnesses on Wednesday, July 2, who showed they were close friends -- H. A. Lambert, a hotel porter, and Sheriff R. R. Veale of Contra Costa County. They testified that Nedderman and Cockrell spent a vacation together at a resort called Byron Springs in January, 1919. Nedderman brought his wife on the trip, and Cockrell -- using an alias -- was accompanied by a Mrs. Nottingham.*

*Mrs. Nottingham, with former Oakland Chief of Police Charles E. Lloyd (1895 to 1898) and others, furnished bonds for Nedderman's release from jail.



Jue Moy



Sheriff R. R. Veale

"They ate together, visited each other's rooms, went on automobile rides together, conversed together, and planned a trip together to Stockton," said Lambert. Sheriff Veale verified Lambert's testimony, and told of playing convivial, late night card games with Nedderman and Cockrell, who had been introduced to him as "Harry Hearn." The defense discounted the importance of this, since the trip occurred after the alleged misdeeds.

Ernest Lun (known as "Little Ernest") was the second Chinese gambler placed on the witness stand. Like Jue Moy, he came dressed in "American clothes," and he impressed the reporters as alert and vigorous. Ernest Lun testified that while Nedderman was Chief of Police his lotteries had grown from three to eight in number. He said he paid Cockrell \$50 a month in protection for each place, with the understanding that the money was for Commissioner Jackson. Lun said that once he began to pay protection, police raids on his gambling houses practically stopped, but he did not mention Nedderman by name.

In cross-examination Crosby set out to show that Lun knew Captain Petersen and Captain Bock. Lun readily admitted it. He even admitted talking with them both after subpoenas had been served on him for the trial, but he denied that the conversations lasted more than a few moments, and he specified that they had not discussed the graft trial. Lun said he was a

member of the Bing Kong and Suey Sing tongs and acted as a counselor to Chinese arrested for gambling. He helped them to hire lawyers.

The prosecution introduced additional documentary evidence. This submission -- also telephone numbers written on slips of paper -- linked Cockrell to Gee Sam Kee, the leading gambler in Chinatown.* Deputy Sheriff Vandervoort testified that the handwriting in "certain memoranda given by Cockrell to Gee Sam Kee" corresponded with the signature of Cockrell on the jail register "and are the same."

When Gee Sam Kee came to the witness stand, he admitted to running more lottery houses than anyone else in Chinatown. In appearance he looked like a prosperous businessman. His testimony was succinct -- he paid \$320 a month to Cockrell for protection of his eight gambling houses during April, May, June, July, and August of 1918. He claimed Cockrell said the money was to "fix up the head men at city hall."

Like Jue Moy and Ernest Lun, he did not mention Nedderman by name, and Crosby once more attacked the relevancy of the testimony. The prosecution responded again that its intent was to show a general, on-going gambling conspiracy in which the extortion from Loorz was an incident that could not be understood isolated from its context.

When cross-examined by Peter Crosby, Gee Sam Kee also readily admitted belonging to tongs and knowing Captain Petersen. He testified that, since returning from France, Captain Petersen had attended a banquet at his New Republic cafe. Fifteen of his [Kee's] business associates were present.

Sergeant Hemphill's Raid

The prosecution established that the morals detail operated from City Hall and that, like other chiefs, Chief Nedderman personally chose its members. To illustrate how protection operated, it introduced testimony and police records to show that on July 18, 1918, on his own initiative, Sergeant C. L. Hemphill raided one of Jue Moy's lottery houses. The raid took place while Jue Moy said he was paying protection to Dave Cockrell. Next, the prosecution introduced a chief's order prepared on July 19, 1918, transferring Hemphill to the Melrose Station in the "fog belt." The order took effect on July 20th.

*Gee Sam Kee came to the U.S. from China in the 1870s. He was a houseboy and cook for Dr. Samuel Merritt (for whom Lake Merritt is named). When Dr. Merritt died, Gee Sam Kee received a legacy which helped him to become a successful merchant and, eventually, by reputation, the wealthiest Asian in the bay area. In 1906 he was a leader in the relief work at the Lake Merritt camp for the Chinese refugees from the San Francisco earthquake and fire.



Captain Charles Bock

The defense countered with testimony by Corporal Coley, the Chief's clerk, which suggested that Hemphill's transfer was a routine matter, no different from any other. Its closeness to the arrest of Jue Moy was, the defense maintained, a mere coincidence.

When cross-examined, Corporal Coley testified that Herman Loorz and Dave Cockrell frequently visited the Chief's office in City Hall.

Captain Bock

On Monday, July 7, Captain Charles Bock gave testimony linking Nedderman directly to the protection racket.* Rumors of what he had said to the Grand Jury, and that his testimony would involve Mrs. Wong Yu, a Chinese woman the papers described as "wealthy and beautiful, the queen of the Chinatown gamblers," filled the courtroom with spectators. Throughout the trial, before and after Bock's testimony, Crosby carefully portrayed Mrs. Wong Yu as a mysterious vamp, bringing her to the attention of the jury as often as he could, and during Bock's testimony making her "an even more vivid figure in their eyes." His questions invited the jurors to speculate as to whether Mrs. Wong Yu was, in the phrase of the time, Captain Bock's "affinity."

Mrs. Wong Yu was known to have owned several lotteries in the past, and Captain Bock assumed that she was still active in the business. Even so, because she was an old friend, Captain Bock said, he passed a message to Chief Nedderman at her request:

*Captain Bock joined the Department in 1901. He was promoted to Sergeant in 1905 and Captain in 1907.

I told the chief I wanted to ask him a personal question and that he could answer it or not as he liked. I told him somebody had wanted to know what they were going to be taxed in Chinatown. I told him there was a good deal of a dispute going on in Chinatown about the payments for the different club rooms. Some were complaining that they were being charged more than others.

I told him, and I said it was liable to start a row.

The chief said that he only wanted \$20 a month from each house at the present time, but that later might have to get more as he understood that Commissioner Morse might want to come in because he was financially up against it.

When Peter Crosby cross-examined Bock, he suggested that Captain Bock had been derelict in his duty by not going after the Chinatown gamblers:

Q. Did you, as an officer of the police of this city, ever try to prevent these lotteries that were contrary to law from running?

A. Yes, sir; in my district.

Q. Is it not your duty as a police officer, your duty under your oath of office, to prevent crime and arrest criminals wherever and whenever you observe them?

A. Yes, sir; it is my duty, but I might get what someone else got if I went down there and did it...*

Q. Did you tell Chief Nedderman, in the conversation you say you had with him, that the inequality of payments in Chinatown would cause a tong war, a highbinder war?

A. Yes...

Q. Is it not a fact that you, in behalf of Mrs. Wong Yu, were attempting to adjust the amounts so that no highbinder war would occur while they were carrying on games under police protection?

A. No, sir.

Q. Were you friendly with Chief Nedderman?

A. Yes, sir.

*Later, at Dave Cockrell's trial, Bock indicated that he was referring to the transfer of Captain Brown from the Neutrality Squad to Eastern Station after raids Brown made on the Bartenders' Club and in Chinatown while Chief Nedderman was in Sacramento on business.

Q. Is it not a fact that you went on one occasion to his office, went there from the Northern station where you were in charge, and told him that you were in close touch with influential Chinese, that you knew them well, that you attended their banquets, etc., and that you could get him any amount he wanted from them?

A. No, sir.

Q. Did you tell him that you and Captain Petersen had got yours and that you were ready to quit?

A. No, sir.

Q. And did he not say that if that was the way you did things that was up to you but that he proposed to have nothing to do with it?

A. No, sir.

In answer to further questions from Crosby, Bock said he told Captain Petersen what he knew.

Captain Bock did not say he ever saw the Chief actually take money, or that Commissioner Morse took graft -- only that Nedderman invoked the Commissioner's name. But Morse was angry and immediately began to speak of holding hearings in which Bock's "lapse from duty" would be gone into -- with the possibility that he would be fired.

On redirect examination by Wittschen, Captain Bock testified that he had not attempted to make arrests in Chinatown because, "It is a regular rule of the department [not to make arrests in other districts than your own]. If I went into another district and made arrests in a case like this I might be removed from my place or put into a lower job or even chased out to some poor district."

The Defense Strikes Back

On Thursday, July 10, Herman Loorz was called back to the stand. In a long examination Crosby kept him "nervous and fidgety" with questions about alleged discrepancies between his testimony during the trial and Captain Petersen's testimony at the Morse Hearings in May, two months earlier. The most important related to Loorz's alleged payments to Chief Nedderman. In his testimony at the beginning of the trial, Loorz stated that his first two payments were \$200 and his third was \$350. The transcript of the Morse hearings showed Captain Petersen testifying that Loorz had spoken of making payments of \$100 and \$200 respectively. There were other differences as to dates and sums and who was present on certain occasions. In each instance, Loorz said, the transcript of the Morse hearings was wrong and his testimony during the trial was correct.

After Loorz left the stand, Chief Lynch testified about a visit he and Nedderman had made to Loorz at the Bartenders' Club and contradicted Loorz's version of it. Loorz had said that Chief Nedderman had not spoken to him about illegal gambling. Chief Lynch said that he and Nedderman both admonished Loorz against conducting illegal games.

Then Crosby called Captain Petersen to the stand and cross-examined him on the differences between the Morse Hearing transcript and his testimony -- and Loorz's -- in the current trial. Crosby demanded yes or no answers, attempting to force Petersen to impeach Loorz or himself. Captain Petersen endured this attack "coolly, leaning back and rocking his chair," and answering the questions over and over again with "I don't remember it quite that way" or "I cannot answer for the exact language."

On redirect examination, as the prosecution set about undoing the effect Crosby had achieved, Crosby launched a series of objections which, when the court sustained them, "succeeded in blocking the evidence of the prosecution [as] to...other knowledge Captain Petersen might have..."

Nedderman followed Petersen to the stand. Testifying on his own behalf throughout the afternoon and all the next day, he "denied each and every charge or implication of graft as Crosby went through the voluminous transcript of testimony against him." Nedderman's denials were "sweeping and positive," direct contradictions of what all the witnesses had said against him.

On the main charge, accepting bribes from Loorz, he insisted that, as Chief Lynch had testified, he warned Loorz not to permit illicit gambling in the Bartenders' Club.

He admitted that on one occasion Loorz visited the Nedderman home -- but said Loorz arranged the appointment. He (Loorz) came one evening in May, 1918, and remained only a short time. Mrs. Nedderman was present during the entire visit, he said. He denied having received money from Loorz or taking Loorz for a ride in his automobile to give him a private explanation of the protection plans.

The District Attorney began his cross-examination of Nedderman on Monday, July 14, by laying the groundwork for introducing Nedderman's personal bank accounts as evidence. "Heated arguments arose" as Crosby objected to the questions Decoto asked the former Chief of Police, and one reporter wrote,

In a violent verbal clash between District Attorney Ezra Decoto and Peter Crosby...a threatened fistic battle between opposing counsel was averted in this morning's session of the court only through the intervention of Superior Judge James G. Quinn. Judge Quinn was obliged to arise from the bench and shake his finger threateningly at the two contenders and demand order...

Nedderman gazed on the scene from his seat on the witness stand. Members of the jury fidgeted. Spectators in the crowded courtroom craned their necks, some standing up, to obtain a better view of the promised battle.

The District Attorney contended that Nedderman's accounts at the First National Bank showed sums in excess of his salary as Chief of Police which averaged \$273 a month. The amounts tallied in several instances, according to Decoto, with the amounts allegedly paid by Loorz and others for police protection. Precedents for and against the admission of the evidence were argued, and Judge Quinn undertook to rule on the matter the next day.

Next, the District Attorney turned to the relationship between Nedderman and Dave Cockrell. Nedderman now admitted various meetings with Dave Cockrell -- in his rooms at the Hotel Oakland, at the St. Francis Hotel in San Francisco, and various other places "the particulars of which had slipped his memory." He also said that Cockrell had visited his home.

Cockrell made his first appearance in the trial when he was placed on the stand as the day's final witness. He was described as "...faultlessly attired. He wore a soft gray hat and a suit of clothes which it matched. His answers on the stand were given at times quietly and at times in a hesitating manner and almost always in a low voice." He denied ever collecting protection money from Herman Loorz or anyone else.

The next morning, Tuesday, July 15, as the first order of business before the Court, District Attorney Decoto told the judge that he would no longer fight to enter Nedderman's bank accounts as evidence. He believed that he had made a strong enough case without it, and preferred to save time by resting his case and moving on to the closing statements.

Then, as a reporter wrote, "a sensation was sprung" when Crosby recalled Nedderman to the stand, and the former Chief testified that Captain Bock approached him with "a proposal to collect bribes from the Chinese lottery operators for police protection." This completed the defense.

The Closing Arguments

In the afternoon, Deputy District Attorney Theodore Wittschen led off by sketching "an alliance to foster gambling between former Chief of Police J. Henry Nedderman and 'Big' Dave Cockrell. In the midst of his presentation,

Mrs. J. H. Nedderman became hysterical...and was led screaming from the courtroom after she had shouted a denial of [his] charges...that the former Chief of Police had 'merely played to the gallery when he described this morning a suggestion [from Captain Bock] that he accept bribes to permit gambling.'

'It's true,' Mrs. Nedderman screamed. 'It's true! He told me so himself...'

'My husband told me Police Captain Charles Bock had come to him and suggested that money might be had for permitting gambling,' Mrs. Nedderman said. 'I agreed with him that such a proposition should not be considered, for it might bring disgrace to me and to our son, fighting in France.'

After Mrs. Nedderman was removed from the courtroom, Wittschen finished his argument, but her passionate outcry had made a stunning impression.

Crosby's Address to the Jury

Wednesday morning, July 16, long before the session started most of the spectators' seats were taken, and by the time the trial resumed the courtroom was filled to capacity. A score of people stood at the doors unable to gain entrance. Mrs. Nedderman, apparently completely recovered, sat quietly beside her husband throughout the morning. The former Chief continued to display an air of confidence in a victory for himself. Occasionally he smiled and "at all times his face bore an expression of calmness."

Crosby began his address to the jury with a severe attack on Captain Petersen. He attributed Nedderman's dismissal and "the vicious, trumped-up charges" against him to Petersen's ambition to become Chief of Police.

He attacked the testimony of Herman Loorz, dwelling on what he claimed were discrepancies in it. "Loorz's quibbling, his pauses before answering questions on the stand and his frequent voicing of vague statements as 'I think so,' and 'I guess so,'" demonstrated, he argued, that Loorz had simply "framed up" on Nedderman.

Crosby asked the jury to disregard the testimony of the Chinese witnesses, whom he characterized as the "renegades of their race" and not the trustworthy "vegetable peddler type." Their testimony, he said, was irrelevant to the charge in question -- whether Loorz paid Nedderman the sum of \$250 on May 15, 1918.

The testimony of Sheriff Veale and the hotel clerk showing a friendship between Dave Cockrell, the alleged go-between in the graft ring, and Nedderman, he declared "equally without purpose." He attacked the testimony connecting Commissioner Jackson with the alleged graft, saying that Loorz "did not name Jackson until the prosecution practically compelled him to do so."

"Oh, Loorz and Petersen," Crosby said in his peroration, 'you ought to get down on your knees and crawl through the streets of this city with your heads bowed in prayer asking for forgiveness for your efforts to place this innocent man behind the bars. But nothing that you can ever do will atone for the injury you have done to this citizen.'

Decoto's Summation:

Decoto began his closing statement by denying Crosby's claim that a conspiracy existed to oust Chief Nedderman and install Captain Petersen in his place. Captain Petersen, he said, having voluntarily given up the office of chief to serve in the armed forces, would not stoop so low as to send Nedderman to jail merely to recover the position.

"I am going to show you the real conspiracy," Decoto said, "a conspiracy on the part of Dr. Jackson to reap a harvest from bribes."

"After Petersen resigned from office," Decoto said, "Dr. Jackson began looking for a man who would represent his interests...Jackson picked out an 'unknown' sergeant of the police, the defendant in this trial. He overlooked twenty men of higher grade and greater ability in the Police Department, passing by the various captains and all of the members of the Inspectors' Bureau to select Nedderman."

Then Decoto began to set forth the various steps which, he alleged, Nedderman took at Jackson's instigation to reap their joint harvest. His first move was to change the detail of patrolmen and officers in the Chinatown district and in the quarter where gambling flourished to serve his interests. The next step, he said, was accept an invitation from Herman Loorz to visit the Bartenders' Club.

"At that time," Decoto said, "Nedderman had the picture of \$250 in his mind, the \$250 in bribe money."

No sooner were the words out of his mouth than Mrs. Nedderman had another "nervous attack." Loudly protesting her husband's innocence, she was led from the courtroom in tears while tears filled the eyes of some of the female jurors.

When order had been restored, Decoto resumed his argument. He reviewed Herman Loorz's testimony that Nedderman asked for the \$250. And he quoted Nedderman as saying, "Every gambling place is running, everyone is getting money, where do I come in?" He reviewed the testimony about Loorz's payoffs in the Chief's office in the City Hall, the visits by Loorz to Nedderman's home, the unfolding by Nedderman to Loorz of the plot with Jackson, and the intimacy of Nedderman with Dave Cockrell. It was Dave Cockrell's avarice, he contended, that spoiled their game, and made the gamblers willing to testify against the former Chief. "Cockrell, through his efforts to collect exorbitant sums of 'hush' money...killed the goose that laid the golden egg for Nedderman and Jackson."

The District Attorney completed his address to the jury by asking for a verdict of guilty.

The Jury Deliberates

The fate of John Henry Nedderman was placed in the jury's hands at 5:45 p.m., Friday, July 18th. No verdict was reached during the evening, and at 11 o'clock the jury was locked up for the night.

The jury reconvened Saturday morning and resumed its deliberations. According to one of the newspapers, the first ballot cast was evenly divided, 6 - 6. Then, as the day wore on, the votes gradually tilted toward 10 - 2 for acquittal. There it rested. Two jurors insisted on a verdict of guilty, and could not be persuaded to change their minds.

Judge Quinn dismissed the jury at 6:30 in the evening, twenty-five hours after it retired to weigh the testimony.

Nedderman, Mrs. Nedderman, Dave Cockrell and nearly a hundred interested followers of the trial were waiting outside the jury room. When the hung jury was announced, Nedderman said to the reporters who gathered around him, "Well, gentlemen, it is my time to smile."

Friends of the prosecution attributed the result to the hysterical denial by Mrs. Nedderman of her husband's guilt. A lawyer who lost a wager of \$40 to \$20 on the conviction of Nedderman, said ruefully, "That woman screamed me out of \$40."

COMMISSIONER MORSE FIRES CAPTAIN BOCK

On Thursday, July 24, five days after the first graft trial ended, and while the jury was being chosen for the second, Commissioner Morse fired Captain Bock. He issued a statement which said, in part:

I have this day removed Charles H. Bock from the position of Captain of Police for misconduct, incompetency and failure to perform his duties under, and observe the rules and regulations of, the police department.

I have taken this action as a result of my investigation held in the latter part of April. At that time I called Captain Bock before me and required him to testify concerning his connection in the alleged police graft scandal. Under oath he has admitted (1) improper intimacy with gamblers and law breakers in this city; (2) neglect and failure to suppress crime and law violations, or to report the same to proper officers in the police department; and (3) participation in efforts to bribe the chief of police of this city to grant protection to certain lotteries and gambling interests. The confession made by Captain Bock to me was again substantially repeated in the subsequent trial of the chief of police.

It follows that Mr. Bock has so completely discredited himself as a police officer as to be no longer of value to the police department of this city...Accordingly, I ordered the dismissal as previously stated.

Morse's action automatically removed Captain Bock from duty but did not become final until approved by the Civil Service Board. Bock promptly filed an appeal. Morse criticized this limitation on his authority.

THE PETERSEN HEARING

On the evening of the day Bock was fired, Philip Reilly, editor of the weekly Oakland Free Press, went before the City Council and formally charged Captain Petersen with having tolerated gambling in Chinatown when he was chief of police in 1916. His charge was based on Nedderman's earlier accusation of Petersen. Reilly's complaint said, in part:

I am hereby preferring charges against Captain of Inspectors Walter J. Petersen, due to recent disclosures of his past while acting as Chief of Police of this city [which] show that his continuance in the Police Department in any capacity will prove a menace to the welfare of the city...

I specifically charge that on or about the 15th day of October, 1916...in violation of Section 89 of the Charter of the City...he called together the officers and patrolmen of the Central Station [and instructed them] to permit certain Chinese lottery houses to flourish and violate the law in Oakland without police molestation or interruption, all in violation of his oath as such Chief of Police, and that said order was given in substantially the following language by Petersen: 'There are 17 Chinese lottery houses running in Oakland now. These may remain and you are not to permit any others to open or run. If they do report the matter to me at once.'

When he heard Reilly's charge, Councilman Baccus said to a reporter,

I can tell all about that lottery matter. I was on the Council then. We were making up the budget, and the council called Petersen in and asked him how much could be raised outside of taxes -- meaning raiding Chinese lotteries and collecting the fines. He said they could probably raise \$50,000 that way, figuring on past arrests. The council decided to go ahead and do it. Commissioner F. F. Jackson gave Petersen the orders. Whatever orders he gave the men were from Jackson, and the money, collected in fines in the police court, was used by the city. Later Mayor Davie, it will be remembered, told of the practice and announced that hereafter the city would not raise revenue in that way.

On a majority vote, Baccus and Mayor Davie opposing, the Council referred the matter to the Commission of Public Health and Safety. Four days later Commissioner Morse began hearings which lasted almost a month and a half.*

*The first day of this investigation coincided with the first day of testimony in the Dave Cockrell trial. The hearing ended a week before testimony began in the third graft trial.

City Attorney H. L. Hagan acted as counsel to Commissioner Morse. Captain Petersen was represented by Burton J. Wyman. Twenty officers of all ranks were called as witnesses, but their testimony was contradictory. Some confirmed the charge that Petersen had said the "17 lottery houses...may remain" open. Others denied that such instructions were given. No one had taken notes.

The point at issue turned out to be whether Petersen had actually used the words "may remain" when speaking of open lottery houses. Whatever Petersen's actual statement was, it appears to have been part of a general, somewhat impromptu briefing which covered a large number of subjects. One officer said, "He was giving us quite a talk that day; he raked us over the coals, everybody over the coals." Another, remembering a different part of the talk, quoted Petersen as saying, "It had been brought to his attention that some members of the Police Department were taking money from prostitutes and that when a man lowered himself enough to take that kind of money he was about as low as a man gets." The only thing everyone agreed on was that he had mentioned lotteries.

Petersen testified that for three months he attempted to carry out (1) the instructions he had been given on raising revenue and (2) the pre-existing, on-going policy of putting as many lotteries out of business as possible. He emphatically and consistently denied giving orders in the language attributed to him by Reilly. When lotteries began to open in residential districts, he said, he concluded that the two objectives were incompatible, and he "put the crusher on," and suppressed them all. He said the small amount of revenue raised by fines embarrassed Commissioner Jackson in front of the Council and was the cause of the bad feeling between them.

On Friday, September 12, the final day of the hearing Chief Lynch testified for Captain Petersen. He said that he had commanded the Northern Division in 1916, and that while Chief Petersen was out of town and he was temporarily in charge of the Central Division in the latter part of the year, there were no lotteries running -- except that there might have been a few "sneaking around and peddling a little on the outside, but they were not running openly." He testified that he received no orders "tending to protect Chinese lotteries in any way."

There was no implication during the hearings that anyone thought Petersen had been taking payoffs. The issues were whether he used the words "may remain" in connection with the open lotteries, and, in broader terms, whether he had exceeded the bounds of his authority and, consequently, failed to enforce the law correctly.

At the conclusion of the hearings, Commissioner Morse announced that he would make a report and recommendations to the City Council on the following Monday. As it turned out, he did not issue a judgment until seven months later, on March 19, 1920.



Dave Cockrell...

No. 7140

INDICTMENT
— FOR —

Felony, to-wit: A violation of
Section 68 of the Penal Code
of the State of California.

The People of the State of California
against

DAVE COCKRELL

Jury

A TRUE BILL

Clara Knight
Foreman of the Grand Jury.

Presented by the Foreman of the Grand
Jury, in the presence of the Grand Jury, in
open Superior Court of the County of Alameda,
State of California, and filed as a
record of said Court, this 14
day of May
A. D. 1919

GEO. F. GUNN
Clerk.

By Edmund G. [Signature]
District Attorney.

and his Indictment

THE SECOND GRAFT TRIAL

In the second graft trial, it was charged "on or about December 15, 1917," Dave Cockrell aided and abetted Chief Nedderman in receiving or agreeing to receive a bribe from Herman Loorz, one of the proprietors of the Bartenders' Club, "a resort at 419 Twelfth Street, where illegal games were conducted." In detail, it was alleged that Cockrell, acting as collector for Nedderman, received \$250 from Loorz in return for the promise of no police interference with the games.

Judge Quinn presided again, and the prosecutors were District Attorney Decoto and his deputies, Theodore Wittschen and A. G. Agnew. Attorney Philip Carey led the defense. He was assisted by F. G. Ostrander, a former judge, Tom M. Bradley, Thomas O'Connor, and Charles H. Brennan. Jury selection began on Monday, 21 July, and testimony started one week later, on Monday, July 28. The trial covered much the same ground that had been opened to public view during the Nedderman trial, and was even more heavily attended.

Herman Loorz

Herman Loorz was, once more, the first witness summoned by the prosecution. Loorz (referred to by Attorney Carey as "your German witness") added circumstantial details to his testimony from the previous trial. After telling how he met Chief Nedderman at College and Broadway, he said,

We drove around for several blocks. [Nedderman] said he and Dr. Jackson had come to the conclusion that we could run. He said we would have to pay \$250 a month and that Dave Cockrell would be the collector...It was understood that we were to play craps, blackjack, twenty-one and studhorse poker. We were to run as a banking game. The colored man's club in West Oakland, the Dunbar Club and the Bartenders' Club were all that were to run. He said if any policeman came up there and interfered with us for me to let him know and he would put him out. The understanding was that the money was to be paid to Cockrell to go to Nedderman and Dr. Jackson.

Then I took the street car and went back downtown and went up to the club. I had been there about five minutes when Cockrell came up. He said, "You know who I am?" I said, "Yes." He said, "You know what you've got to do. You saw the big fellow?" I said, "Yes." He said, "We've got to keep this quiet." Then we went in to back room and he said what a nice place we had there. Then I gave him \$250. He told me if I heard of any other clubs playing anything but poker to let him know.

The Chinese Witnesses

The defense examination of the Chinese witnesses was directed almost entirely against their character. Carey implied that Ernest Lun was a highbinder as well as a tong member. He badgered Jue Moy with questions about whether he was an opium dealer, which Moy indignantly denied. "What's the matter with you," Moy said in exasperation, "all the time talk to me about opium. I don't have nothing to do with opium. I never smoke 'em, never buy 'em, never sell 'em. I hate that stuff. You talk to me any more about opium, I no talk to you at all."

On Thursday, July 31, Gee Sam Kee testified that his lotteries were at 1026 Franklin and 1736 - 7th St, and his gambling houses were at 719, 723, 725, 729, 732 and 735 Webster Street. He said he ran gambling games while Captain Petersen was chief and "got raided all the time," but had not been raided while Nedderman was chief.

When shown police records of arrests made in his lottery houses in 1917 and 1918, Kee said he did not consider occasional arrests in his place by the beat officer to be real raids. By real raids he meant times when the whole house was swept clean of gamblers and the game-keeper was arrested along with the players, even though he personally never had been arrested. (Jue Moy made the same distinction, but spoke of "\$10 raids" and "\$300 raids.")

The first time he told anyone that he was paying for protection, Kee said, he admitted it to Captain Petersen. He said the Captain came to him with information for which he demanded an explanation. So, Kee said, he made a clean breast of it. When Carey asked whether he might have paid protection to earlier police chiefs, Gee Sam Kee denied he had ever paid protection money before in Oakland.

When Carey asked questions which implied that Kee might be dealing opium as well as lottery tickets, he denied with manifest resentment that he had ever had anything to do with opium or other narcotics. "Never in my life, no sir, never," he said. "I no like that. I have nothing at all to do with that, no sir."

During the noon recess Captain Petersen ordered Carey and another attorney out of Jue Moy's store. The next day, Friday, August 1, the jury was taken to Ernest Lun's store to see whether it was a legitimate business or not. As the jurors approached, they saw ex-Corporal O'Neill trying to hurry away without being seen. When an explanation of his behavior was demanded, he said he was "watching it for the defense." After the District Attorney threatened to file charges against O'Neill of trying to intimidate a state witness, no further incidents of this type occurred.

Charles Bock

On Tuesday, August 5, Carey grilled Charles Bock in regard to Mrs. Wong Yu, and a reporter gave the following account of the exchange:

Tugged at constantly by an undercurrent of departmental politics, mysterious Chinese influences and suggested romance, the cross-examination of former Police Captain Charles H. Bock filled two hours of the trial...this morning with dramatic intensity. Throughout this trial there were no moments when the volcano that smolders beneath...the graft case came so near an overwhelming eruption.

Bock maintained an even greater degree of coolness under the fire of cross-examination than he did in the Nedderman trial. The sardonic smile that overspread his features while Thomas O'Connor was examining him yesterday was there to greet Philip M. Carey in turn. Only once or twice did the smile disappear and his jaw set into a line of seriousness as particularly searching questions came from the examiner.

Once more...it was an imputation with regard to his friendliness with Mrs. Wong Yu, the wealthy Chinese woman whose name has been constantly in the case, that stirred him to one of these moments of soberness.

"Were you accustomed to visiting her at all hours?" asked Carey.

The question was overruled, but Bock slipped forward to the edge of his chair. His hands were clenched and his eyes snapped fire as he demanded, despite the objections of counsel and the frown of the court:

"Do you mean that criminally?"

"Oh, no, no! Captain Bock," Carey hurriedly replied.

"Because," said Bock, and he settled back again in his chair, but now without the smile, "in the Nedderman case they tried to show she was my affinity."

Bock repeated his testimony about warning Nedderman of the possibility of a tong war, and a moment later Carey was after Bock again on another matter, and challenged his veracity. Then, "for the second time in the forenoon, Bock's aspect grew serious:"

"If I said that was the way it was, that really was the way it was," he declared. "I don't lie, and I am not going to perjure myself for anybody."

When Bock left the stand, the prosecution attempted to introduce Cockrell's use of an alias at Byron Springs, Judge Quinn reversed the ruling he had made in the Nedderman trial, and deemed it inadmissible. However, even without mentioning "Harry Hearn," Sheriff Veale and Mr. Lambert gave basically the same testimony they had given previously.

The next day, Wednesday, August 6, former Corporal O'Neill testified and said he never took anything from Looz or made any arrests at the Bartenders' Club.

Then the prosecution gave Bock the opportunity to clear away the innuendos floated by the defense:

Q. How long have you known Mrs. Wong Yu?

A. Since immediately after the earthquake.

Q. Is she married?

A. She is a widow with four children.

Q. Has she ever visited at your home?

A. Yes, often.

Q. When your wife was present?

A. Yes.

Q. Have you and your wife visited her home together?

A. Yes.

Q. How often?

A. Quite a few times.

Carey did not question Bock on this presentation of his friendship with Mrs. Wong Yu.

Decoto called Captain Petersen to the stand and sketched "at considerable length...his 26 years in the police department. He told of the various offices in the department he had held, of his two periods as Chief of Police, and of his going to France in July, 1917. He detailed the police work he did in France in the U.S. Army, first at Bordeaux and later throughout a large district that included Paris." Then Decoto led him into an account of his interrogation of Dave Cockrell at the Berkeley City jail.

Petersen said he had three conversations with Cockrell. On two of those occasions, Decoto and George Helms of the D.A.s Office were present:

At the first conversation I said to him, 'Dave, you are in a bad box. We want to know the truth. Have you ever been a collector for Nedderman or Dr. Jackson?' He said he had not. I asked him if he had ever collected from the Chinese in Chinatown. Again he said he had not. I asked him if he knew Gee Sam Kee, Jue Moy, and Ernest Lun, and he said he did. I asked him if he had hired a store from Gee Sam Kee and played blackjack there, and he said he had. I asked him if he had a permit for this game, and he said he had a poker permit. He said he knew this was in violation of the law. He said he had a quarter interest in the game only, that George Agnew, a man named Parker and Gee Sam Kee had shared likewise, a quarter each.

At the second conversation I asked him again if he was willing to make a statement, and he said he would make a statement before the grand jury. I said to him, 'Dave, didn't you ever collect for Dr. Jackson?' He replied, 'I tried to, but he was afraid and would not take it.' 'Well,' I said, 'Dave, if you did not pay Dr. Jackson you did pay George Jackson.*' He stayed silent. He said the only money he ever paid Dr. Jackson was \$300 toward his election expenses when he first ran for office. 'What did you get out of it all, Dave?' I asked him. 'All I ever got out of it was the clubs I had,' he replied. In relation to Nedderman I asked him if he ever collected for Nedderman, and he answered, 'No, he would be foolish to have anyone collect for him. He could do it himself.'

The third conversation, Captain Petersen said, was in substance the same as the second. Petersen was not cross-examined on this testimony.

This closed the prosecution case.

*The Commissioner's brother.

The first defense witness was Chief Lynch, who repeated that he had heard Nedderman warn Loorz not to conduct illegal games at the Bartenders' Club.

On Wednesday, August 6, Nedderman was cross-examined about his finances, specifically his "bank deposits during the period of the alleged bribery as well as his purchases of various parcels of land in this city." The defense objected vigorously to these questions, and it entered an "assignment of misconduct" against the district attorney when Wittschen put these questions to Nedderman:

(1) "I want to ask you if, during your incumbency in the office of chief of police, you did not deposit in the First National bank of this city a sum between \$3000 and \$4000 in excess of your salary during that period, this excess being derived from your collections from Cockrell and Loorz?"

(2) "Is it not a fact that about December 17, 1918, you purchased a piece of property worth \$2000, a portion of the Alexander estate, out of the same proceeds?"

(3) "I will also ask you if it is not a fact that about June 4, 1918, you also purchased a piece of property on Cavour Street worth \$1900, and that this payment was made out of the same proceeds?"

The court sustained the defense objection to these questions, temporarily ruling them inadmissible. When Wittschen said there was case law to show they were admissible, the judge took the questions under advisement. The next day, however, he ruled them out.

Dave Cockrell's Testimony

The next morning, Thursday, August 7th, Cockrell was put on the stand.

From the beginning of his examination, Cockrell made no attempt to deny that he had been engaged in gambling or that much of the gambling was in violation of the law.

"What kind of gambling games were conducted at the clubs in which you were interested?" asked his counsel, Thomas O'Connor.

"Both legal and illegal," was his reply.

Cockrell denied ever passing protection money to Nedderman or receiving it from Herman Loorz or from the Chinese witnesses. He denied knowing Loorz or ever having set foot in the Bartenders' Club. He admitted knowing Jue Moy and Gee Sam Key but said he knew of Ernest Lun merely as a "Chinese lottery leader."

He denied being a close friend of the ex-chief.

He denied knowing Dr. Jackson, or ever having tried to bribe him. He admitted being in Dr. Jackson's drug store (at 22nd and Broadway near the Key Route Inn), but only as a casual customer who stopped there occasionally for a cigar while en route to San Francisco. He denied ever having met him there or ever being "in the doctor's private office."

He gave his telephone numbers to Jue Moy, Cockrell said, when they were "in consultation" about setting up crap tables in Jue's place of business.

He admitted receiving \$250 from Gee Sam Kee between January and August 1918 but said it was paid as Gee's share in the bank roll of a game they were running jointly.

Cockrell testified indignantly about his arrest and confinement in Berkeley, complaining that he had been put through the third degree. When he was arrested, he said, he was forced to leave the Hotel Oakland without his breakfast although it was already on the table. He was suffering severely from recent dental work and his mouth was "in a painful condition." At the Berkeley jail he requested the attendance of a physician several times without his plea being granted. He asked permission to go to a wash stand near his cell to rinse out his mouth and was refused, even though the jailers gave him glasses of water for that purpose. He went into the Berkeley jail weighing 207 pounds, and came out four days later weighting 190. "Because of the severe pain I was suffering I might have remained silent when Captain Petersen asked me some of his questions," he said, "but I don't think so. I believe I answered all of them." In his only direct contradiction of Petersen, Cockrell said he had not paid \$300 to Dr. Jackson's brother, but rather that he had given the money to Jackson's campaign manager.

Even though Judge Quinn had earlier ruled against admission of Cockrell's alias, Cockrell freely admitted registering at Byron Hot Springs as "Harry Hearn," and most of the social relations with Nedderman that had been adduced by the prosecution. He implied that he went to the resort with the idea of buying it. He also admitted going to Nedderman's office to visit him five or six times, even visiting him at his house once.

Gambling Raids

The only other witness that morning was Sergeant Robert Forgie, who furnished the District Attorney with police records listing the houses run by the Chinese witnesses. The District Attorney asked him to scrutinize the list to determine if any of these houses were involved in raids during Nedderman's incumbency when more than the normal \$10 fine for visiting a lottery was charged against persons arrested. There were no "three-hundred-dollar arrests" at any of the twenty-one houses during that period, Forgie testified.

Cross-examination of Dave Cockrell

Decoto: "Is it not true that all of the time during 1917 and 1918 that Nedderman was chief of police you were violating the law of the state?"

A: "Not all of the time, but most of the time."

Q: In fact, is it not true that you were engaged in the business of violating the law of the state?

A: Well, if that's what you call it, I guess I was.

Q "And still are?"

A: "Yes."

Cockrell answered questions about his interests in the Dunbar Club and the Iceman's Club, saying he was only interested in the games at the latter. "I have nothing to do with their blind pig, and I know they did sell liquor there after legal closing hours."

When the cross-examination of Cockrell was concluded shortly after the opening of the afternoon session, the defense caused a surprise by announcing that it had completed its case and rested.

The Final Arguments

For the defense, Tom O'Connor spoke in the morning, and Philip Carey in the afternoon. Giving an impressive "exhibition of his forensic ability," O'Connor brought "every rhetorical artifice known to the clever criminal lawyer...into play... He styled the case as 'the misbegotten child of the cantankerous brain of Captain of Inspectors Walter J. Petersen, placed on the doorstep of District Attorney Ezra Decoto.'" He and Carey scored the police for their methods of arrest as illegal and beyond the law, attacked the evidence bit by bit in an attempt to tear it down, and attacked the Chinese witnesses. O'Connor even asked the jurors whether they "would take the word of an oriental against that of a white man, even though he be a gambler." They also attacked the honesty and competence of the District Attorney and his staff.

Decoto, his voice trembling with emotion, began his closing remarks by denouncing as "vicious and misleading" the remarks Carey and O'Connor directed against him and the members of his staff. He praised Wittschen "whose remarkable work throughout the case has attracted wide attention," marking him as "the most brilliant and upright young attorney in Alameda County." Reviewing the evidence, he marked out on a blackboard a diagram of the fines and forfeitures suffered by Ernest Lum and Gee Sam Kee during the regime of Chief Nedderman, and called attention to the small amount of money they paid as fines during the time they were alleged to have been "paying tribute to Cockrell." Concluding his argument to the jury, Decoto painted a picture of

Cockrell as "a debased gambler and law violator, a disgrace to the mother who bore him."

The Verdict

On Monday, August 18, the jury retired at 6:15 in the evening and deliberated for six hours. The first ballot was reportedly 8 to 4 for acquittal. The jury went to dinner at 7 o'clock, and returned an hour later to continue its deliberations. At ten o'clock it stood 10 to 2 for acquittal. At quarter of one in the morning it announced that a unanimous verdict had been reached. Cockrell had been found not guilty. He was "visibly moved. Tears stood in his eyes as he arose and thanked the members of the jury."

The District Attorney said, "I am still of the opinion that Dave Cockrell is guilty of the crimes charged against him, and they are of sufficient importance and gravity to submit them to another jury. On Tuesday I will ask that one of them be set for trial.."*

CHARLES BOCK BEFORE THE CIVIL SERVICE BOARD

Charles Bock appeared before the Civil Service Board to appeal for reinstatement on Tuesday evening, August 19, the day after the Cockrell trial ended. City Attorney H. L. Hagan represented the City and Commissioner Morse. Bock was represented by Theodore Wittschen (in his private, not his official, capacity) and Judge W. H. Donohue. The hearing was conducted in three sessions and presided over by Ralph Fisher. The Board listened to testimony and reviewed the transcripts of all the hearings and trials.

City Attorney Hagan demanded an explanation from Bock as to why he asked Chief Nedderman about the price of protection. Bock answered that Mrs. Wong Yu, an old family friend, had asked for the information. "She said she'd heard that the places were putting up...She asked me if I knew about it, and I said I'd find out. I don't know why she wanted to know; supposed she might be interested in clubs, or that some of her friends might be. There was no criminal intent; I was not seeking to bribe the chief; he told me he was asking \$20 a month from Chinese places, and I told him such a thing had never been done before and was bad business."

Bock testified that he had been mistaken in assuming that Mrs. Wong Yu was currently involved in gambling. "I had supposed that she was interested in clubs that had been left her by her husband. Since the Cockrell trial I have been told, however, by Tom Korneilly, who handles much of her business, that she sold out those interests years ago. I was in error in this supposition."

*There were still 18 charges pending.

No. 7140 Dep't No. R

Superior Court of the
State of California
In and for the
County of Alameda

The People vs.
Plaintiff

David H. Cockrell
Defendant

Verdict of Jury

Filed Aug 7 1919
W. E. Brown
Clerk

By G. R. Sells
Deputy

Superior Court of the State of California
In and for the County of Alameda

The People of the State of California.
Plaintiff

David H. Cockrell
vs.
charged as Dave Cockrell
Defendant

VERDICT OF JURY
Action No. 7140

We, the jury in the above entitled cause, find. the Defendant
Not Guilty

H. W. Gorky Foreman

Verdict: Dave Cockrell

Hagan wanted to know if Bock had reported the graft demand to Commissioner Morse. Bock answered that Morse had summoned him to his house sometime afterward, and talked to him about rumored graft in the department. "Morse said he'd heard these graft rumors and did not believe them. What was the use of my telling him about them in such a case?" Bock said that, as a precautionary measure, Morse asked him to make up a central station detail "over Captain Lynch's head." Bock said he refused. "Captains have their own districts to watch; mine was the northern, and I kept it clean. The central was Lynch's."

"Do you mean to say you have only to suppress crime in your own district?" asked Hagan.

"That's all I'm responsible for," Bock replied. "Of course, if I actually saw a crime being committed in another district I'd interfere -- an emergency. But I am supposed to report and run my own district."

Captain Petersen testified that Bock informed him of Nedderman's statement, and that he (Petersen) reported it to Commissioner Morse, and that Bock also told about it in Morse's pre-election hearing in April. He added that Bock had told Mrs. Wong Yu the gamblers should refuse to pay bribes.

Captain Petersen told the Board that when he was Chief he instructed Bock to meet and get to know prominent members of Oakland's Chinese community. Bock gave an account of how he followed those orders, and explained that he had come to know Mr. and Mrs. Wong Yu in connection with his membership in the Chinese peace committee, which had been set up to prevent tong wars.

Hagan asked Bock if he knew the gamblers involved in the graft cases. Bock replied, "Yes, many of them. It is an asset to a policeman to know who these men are, of course."

"Maybe it's a detriment," said Hagan, "if intimacy with them leads one not to perform his duty." On objection of the defense this response was ruled out.

Donohue asked Chief Lynch a parallel question, and he replied "A policeman can't know too many people. We want to know what's going on. A captain is supposed to get the information, know his people, and keep in touch with things. It's right that he should visit tong headquarters and know high-binders. That's police work. If he did not know any of these people it would be a hard matter to keep order in Chinatown."

Lynch testified that he had found Bock "an ideal officer," that he had brought him to the central district on becoming chief because he felt that "the central district would be safe in the hands of a conscientious able man," and that he never knew Bock to fail to perform his duty.

In the second hearing, on August 26, when Judge Donohue began to introduce character witnesses on behalf of Mrs. Wong Yu, the City Attorney volunteered a stipulation that was in effect an apology for anything which might have damaged her reputation. "There was never any intention of reflecting on the name of Mrs. Wong Yu," he said, "and there never was a breath of anything scandalous mentioned against her. We were considering her only in relation to the alleged demand of former Chief Nedderman for a bribe."

Defending Commissioner Morse's dismissal of Captain Bock, City Attorney Hagan said, "I hold that Bock is either a bribe manipulator or guilty of perjury." But Bock's character was given a rousing tribute by Judge Donohue:

Bock was removed without cause or reason, after seventeen years' service in the department...He reported crime always to Chief Nedderman. The law provides for that. His testimony shows that he did. Bock never...had any evidence that the police chief actually took money; he had only suspicions. What did he do? He swore to what he knew before the grand jury; before Commissioner Morse; before several trial juries.

The fact is that he is being pilloried now...because he told the truth. Had he lied -- said he knew nothing about police graft -- he would not have been subjected to this indignity.

If there was an iota of evidence that Bock had even taken a dollar, don't you suppose the lawyers working on him in relays at the Cockrell trial would have blazoned it before the world to discredit him? You have not had a breath of evidence against Bock's honesty, efficiency or performance of duty and I ask that he be reinstated.

On Tuesday evening, September 2, Chief Lynch, Captain Bock and Bock's young son waited together while the Civil Service Board went behind closed doors to reach a verdict. It reinstated him, and Chief Lynch at once ordered Bock to report for duty on Wednesday morning.

Commissioner Morse was highly displeased, and he denounced the Civil Service Board as a barrier to honest government. He said, "This verdict comes to me as a distinct surprise...If men in the various departments cannot be discharged by the administration responsible for their acts, there is, in my judgment, no hope for the success of this city government...If the Civil Service Board feels that this type of man, self-confessed in his dealings with Chinese gamblers, shall remain as a senior captain in the department to set examples for the other members we will have to make the best of it."

PRESIDENT WILSON COMES TO OAKLAND

On Friday, September 19, the graft trials were briefly forgotten and all attention centered on President Woodrow Wilson, who visited Oakland to deliver a speech during his crusade for U.S. participation in the League of Nations. Many Oaklanders did not agree with Wilson's views on the League, but his visit became the occasion for a joyful exhibition of civic pride. The Department was given great credit for helping to make the President's visit a success. One newspaper reported:

The visit of President Woodrow Wilson and the incidental handling of what was perhaps the biggest crowd in the history of the city, has proved a brilliant triumph for the 'first line of defense' of Oakland, the Oakland police force. Despite the congestion, despite the thousands clamoring for admission to the auditorium, despite the danger from agitators and malcontents, several of whom were recognized and quietly weeded out of the crowd, the meeting at the auditorium progressed with machine-like smoothness, aisles were kept clear, the crowds seated until the big building was filled, and then the doors were promptly locked and the waiting throngs outside held away from the path of the automobiles that passed. Not a mishap marred the meeting.

Chief Lynch, Captain Bock, and Captain Petersen earned high praise for their direction of the Department, and the President sent each of them a brief letter of appreciation. (A week later the President suffered the stroke which incapacitated him for the rest of his term, and, as we all know



President Wilson During His Campaign for
The League of Nations

now, turned his fight for American participation in the League of Nations into a tragedy.)

THE KEY ROUTE TROLLEY CAR STRIKE

From October 1 to October 11, the City was caught up in a viciously fought strike, which also diverted attention from the graft inquiry. The transport workers' union, representing 1,100 street car and ferry operators, sought a wage increase to \$7.00 a day and an eight-hour day. The Key Line's management refused to negotiate, and when the workers went out, it hired the Jerome Detective Company to keep the trains running.

On the third day of the strike, "Black Jack" Jerome, as he was known, sent 250 well-armed strikebreakers into Oakland, and Mayor Davie declared a state of emergency. In the violence which followed, forty people were seriously injured -- a number of them by gunshots. (One of the wounded was former Chief Woods. For a time it was feared that he would lose a leg.) At least one hundred more people received minor injuries. Five men and two woman were killed in a trolley accident, and the Department made 48-strike related arrests.

Chief Lynch went into the streets to lead the Department, facing the unruly crowds at the side of the officers. He was seconded, once more, by

Captains Bock and Petersen. A sense of the chaotic activity, confusion, and sputtering violence of the strike can be had from this report of activities on October 6 by Sergeant E. W. Brock:

On this day a street car came into [the Central Car Barns] with windows broken and strikebreakers cut from broken glass and rocks that had been thrown by mob in town; a crowd followed this car in automobiles and on foot, and it was reported that the strike breakers had fired in crowd and killed people; I put officers in place to keep the crowd off of premises, and questioned strikebreakers, took their names, home addresses, name and number of revolvers, and rifles, that these men carried; the weapons were unloaded; an order was sent in for the patrol wagon, but in the meantime Captain of Inspectors W. J. Petersen and Inspector T. F. Flynn arrived upon the scene; the strike breakers were questioned by Captain Petersen and notes were made by Inspector Flynn; by this time the patrol wagon arrived at the 2nd Avenue and 16th Street entrance, but on account of the crowd that was in an ugly mood [at] this entrance, the wagon was ordered to 18th St. side of car barns; the strikebreakers, eight in number, were taken into automobile by Captain Petersen and Inspector Flynn...the revolvers and rifles were taken in charge by Captain Petersen, and...the prisoners were removed.

The strike disrupted all aspects of the the City's life, even the graft trials: "Provision was made by the court yesterday [October 1] to secure the attendance of jurors during the strike on the street car lines with the result that automobiles were sent for all jurors this morning who could not otherwise reach the courthouse."

The strike ended when the Key Line management agreed to arbitration, and the union won the eight hour day. On October 11, the City Council praised the Department for its conduct during the strike:

RESOLVED: That the Chief of Police J. F. Lynch and every officer and member of the Oakland Police Department are hereby commended by this Council for the excellent manner in which law and order was maintained in the city of Oakland during the streetcar strike, and be it

FURTHER RESOLVED: That the thanks of the Council are hereby extended to said officers for the cool and dignified demeanor which was displayed during the period of strife.

THE THIRD GRAFT TRIAL

On Monday, September 22, J. H. Nedderman went on trial again, facing the second of the indictments brought against him by the Grand Jury on May 15 -- specifically, accepting a bribe of \$250 in July 1918 from Herman Loorz for protection of the Bartenders' Club. A different judge, Lincoln S. Church, presided, but the prosecutors and defense attorneys were the same. This time, however, District Attorney Decoto left much of the courtroom work to Wittschen and Agnew. (Decoto said he was exhausted from the strain of preparing the first two trials.) The jury consisted of ten women and two men.

The opening statements were essentially the same as in the earlier trial. The prosecution argued that Nedderman took bribe money from Loorz as an incident in an on-going criminal enterprise. The defense argued that the prosecution was a malicious plot designed by Captain Petersen to make himself chief again.

Herman Loorz testified Monday afternoon and for the next two days to the same relations with Cockrell and Nedderman that he had described in the earlier trials. On Wednesday (October 1) Gee Sam Kee, Ernest Lun, and Jue Moy began repeating their testimony.

On Tuesday, October 7, Chief Lynch "was called from quelling car riots to the witness stand" and questioned for nearly two hours by the defense on affairs within the department. The defense sought to make the argument that the police force was so small while Nedderman was chief that he could not properly enforce the laws. In the argument over the admissibility of this line of questioning, Wittschen declared, "If there were only one man in the police department, that is no reason for dipping hands into other people's pockets to take hush money." This remark enraged the defense. One reporter wrote,

Peter J. Crosby...demanded that the remark be stricken from the record as prejudicial...Nedderman's face became a black scowl, which was mirrored in the countenance of his son, who was sitting by his father's side. Nedderman's seat was only about three feet from Wittschen, and the former chief muttered and seemed about on the point of getting into action.

The judge admonished the jury to disregard exchanges between counsel. Whether Wittschen's remark was prejudicial or not, the defense abandoned this particular argument, and nothing further was heard of it.

Mr. Lambert, the hotel porter, testified again as to the friendship of Nedderman and Cockrell at Byron Hot Springs. Walter H. Moon, a taxi driver, testified that he drove Loorz on several occasions to within a block of Nedderman's home. Captain Bock testified again about Mrs. Wong Yu's request for information and Nedderman's response to it.

So, up to this point, the trial had followed the pattern of the others.

On Friday, October 10, this changed. The prosecution gained a major victory, and entered records of Nedderman's financial affairs into the evidence.

Charles N. Walters, cashier of the First National Bank, began by testifying that from January 1, 1917, to December 31, 1917, Nedderman made no deposits in his account. But then, Walters testified, in 1918 and the first five months of 1919, Nedderman made almost thirty separate deposits:

...Walters identified deposit slips and other bank records showing that in 15 months in 1918 and 1919, including the time of the alleged acceptance of bribes, Nedderman deposited approximately \$6,373.80 in excess of his salary.

Fought at every step by Attorney Peter J. Crosby...the state introduced slip after slip, some showing deposits made by check, others by currency, in one case a state warrant and another travelers' checks...

...The bank account shows deposits of approximately \$10,498.80 in the 15 months from February, 1918, to May, 1919, in which time the chief's salary amounted to \$4,125.

That is, since Chief Nedderman lived on his salary, his total income (salary plus alleged graft), based on the deposits, appears to have been at least \$14,500. Later in the day,

Evidence was introduced...to show that Nedderman had purchased \$4,425 worth of property in the last year. J. W. Haines, deputy county recorder, was put on the stand to testify regarding the filing of deeds for two transfers of real estate...

There were no withdrawals from the bank account of amounts corresponding to the cost of the two pieces of property.

There the question of Nedderman's income rested. To the puzzled astonishment of prosecutors and reporters alike, the defense did not cross-examine any of the witnesses who presented this devastating testimony. Instead, it returned to the matters developed in the earlier trials. Another attempt was made to impeach Captain Petersen, and character witnesses testified for Nedderman but "there was not a word about the bank account." Mrs. Nedderman testified for the first time, and "it was thought she would touch on the subject," but her testimony merely corroborated her husband's account of Loorz's visits to their home. Next,

...Nedderman took the stand and was put through the same questions as in the first trial. Bank accounts seemed as if non-existent. [Then]... the defense side came to an unexpected and dramatic close [while the] state awaited an explanation of the former chief's bank account:

"That is all," said Attorney Crosby.

"No cross-examination at this time," said Assistant District Attorney Theodore Wittschen...

"We desire to recall Mrs. Nedderman," announced Crosby.

She came from the corridor where she had waited throughout the trial, always joining her husband at recess.

"Mrs. Nedderman, where did the money come from for the purchase of property on Broadway Terrace?" asked Crosby.

"It was my money," was the reply.

"Where did you get that money?"

"Kalispell, Montana. It was given me by Mrs. Harry Roose, 146 Third Avenue West, Kalispell, Montana. She was a woman with whom I had lived for years when a girl."

"How much was there?"

"Three thousand dollars -- in currency."

The amount of her husband's deposits in excess of his salary for twelve months in which it is alleged bribes were passed was approximately \$3,500.

"How did you bring that money to Oakland?" asked Assistant District Attorney Wittschen, on cross-examination.

"In a little sheepskin bag," said Mrs. Nedderman.

"Where did you put it when you arrived here?"

"I put it in a tin-lined box and hid it at home."

"How did Mrs. Roose come to give you that money?"

"Well, I had lived with her for years until I was married. I married very young, only fifteen. She had never had any children herself. When I went to visit her in 1917 she asked me why we had never purchased a home. I said that we did not think we could afford it."

"I am asking you how she came to give you that money?" interrupted Wittschen.

"I'm trying to tell you," said Mrs. Nedderman. "She and her husband had accumulated considerable money. Over in a corner of the room where we were talking she had a little safe. She went to the safe and opened it and took out thirty-one \$100 bills and gave them to me. 'Here, Genevieve,' she said, 'take this and buy the property for a home. Use it. You need not pay me back.'"

The witness' eyes filled with tears at this juncture, but she gradually regained her composure in the remainder of the cross-examination.

She said she gave the money to her husband when it came time to purchase the property.



Former Chief Nedderman, his wife, and their son.

"Did he deposit it in any bank?" asked Wittschen.

"He might have put it in and taken it out again," she said.

"Do you know that he did?"

"No sir."

She was asked when she gave the money to Nedderman and said she could not tell except that it was in 1918.

At the end of the cross-examination, the defense rested its case, and a rebuttal by the prosecution showed that Nedderman had had a bank account since November, 1916 -- the implication being that the money from Mrs. Roose, if it existed, would have been deposited for safe-keeping in a lump sum.

Assistant District Attorney A. G. Agnew began the closing arguments, by asserting that the case was not complicated "despite the smoke screen the defense had attempted to draw across it." He reviewed the principal evidence offered by the prosecution. He emphasized the testimony of the Chinese witnesses, showing charts based on the police records of bail money furnished

by the Chinese gamblers before, after, and during the period of the alleged graft collections. The charts showed that "Sam Kee and Ernest Lum...paid bail money of \$1360 in the six months before the graft period, \$450 during the time in which protection money is alleged to have been paid, and \$6370 in the six months after the alleged protection money was stopped."

Next Agnew turned to Mrs. Nedderman's story, which he termed "one of the most peculiar circumstances of the case:"

"In that connection, I want to refer to Nedderman's bank account from January 4, 1918 to May 7, 1919..." [Agnew] said there was nothing to show that the two property purchases made by Nedderman during the period protection money is said to have been paid, involved withdrawals from the Nedderman bank account.

"So we have Nedderman with funds totaling \$8095 in excess of his salary. This money is absolutely unexplained. There is no evidence to tell when this money was received.

"If she were telling the truth, why did the defense not put Mrs. Roose upon the stand to corroborate the story?"

"Look at those figures...and then answer that question if you can, ladies and gentlemen, where did that money come from?"

"Mrs. Nedderman -- and I do not blame Mrs. Nedderman for her testimony, there is evidently a large bond of affection between the two, and I do not blame her for doing what she can to save her husband -- offers an explanation as to where she got the money for this property. She says it was given her by her friend, Mrs. Roose, in Kalispell Montana. With all fairness to Mrs. Nedderman and respect for her, I say she falsified."

On the instant, Mrs. Nedderman "electrified the courtroom" by rising "dramatically from her chair" and crying out, "Don't you say I falsified. Don't you say that I lied. I didn't lie. I told the truth. Put me on the stand and I'll tell it again. Oh, don't you say I lied."

She became hysterical and was half-carried from the courtroom by Crosby and her son. As in the first trial, several of the women on the jury wept. During the intermission that followed her outburst (which occurred about fifteen minutes before the noon recess), one of the female jurors was seen to go up to her, and say, "Don't worry, dearie, it's all right."

Judge Church ruled that Mrs. Nedderman should be excluded from the courtroom during the remainder of Agnew's argument. When the trial resumed, Agnew continued his attack on her testimony:

Mrs. Nedderman says this money came from a hole in the wall in Kalispell and she put it back in a hole in the wall in her home in

Oakland. It was not deposited in any bank. It was placed where we could not get at it to show the facts. I want to call your attention to the fact that Mrs. Nedderman twice was placed upon the stand; that she was the last witness for the defense. It was not until the last moment that she told the story about receiving the money from Mrs. Roose and then she knew it was too late for Mrs. Roose to be produced...

He completed his argument by saying,

"I want you to put aside everything except the fact that J. H. Nedderman as chief of police of the City of Oakland did accept bribe money. I want you by your verdict to decide whether this city shall be a clean place in which to rear your children or whether it shall be polluted by such men as the defendant in this case.

In the afternoon Crosby opened his argument with an attack on Agnew, saying, "In all my experience, in and out of the law, I never assumed to call a woman a liar. The women have been given the franchise in this country. They are the equals of the men, but never shall I so forget my duty to the mothers of men as to stoop to call a woman a liar." Thereafter he launched an attack on the character and testimony of Herman Looz and the other prosecution witnesses.

Judge Church continued the case until 9 o'clock the following Monday morning. When the female juror's words of sympathy to Mrs. Nedderman were reported to him, there was discussion of whether to call a mistrial. The prosecution decided against pressing the issue.

On Monday morning, October 20, Crosby continued his attacks on the prosecution witnesses, and then developed a couple of new themes. He made "an extended plea for a revision of the laws on gambling" as the "proper way of doing away with police corruption."

When he came to the bank accounts, he said that "a similar accusation against a man, as Agnew made in accusing Mrs. Nedderman of falsifying, would have drawn blows instead of tears." Mrs. Nedderman, he said, "however much she loved her husband and was loved by him in return and however much she sought to protect him, did not have to quibble to indicate the source of his bank deposits." Crosby claimed the amount of the deposits did not vary so much from Nedderman's official salary as the prosecution had asserted. He pictured Mrs. Nedderman as righteously indignant when accused by Agnew of falsifying the source of the deposit. His "oratorical effort at this time not only wrung tears from Mrs. Nedderman, who sat with her husband and son, but from several of the women jurors as well."

He concluded with "an impassioned plea...not to send Nedderman to prison while his accusers who he declared were as deeply guilty as he and were self-confessed criminals in any circumstance, continued to be permitted freedom."

In the afternoon, Wittschen made the final argument, reviewing once again the highlights of the prosecution's case. He denounced Mrs. Nedderman's story of the gift of money from the friend she called "Aunt Hetty." When he said, "The real name of Aunt Hetty is Herman Loorz," Mrs. Nedderman "who had sat in court with her husband and son, burst into a storm of weeping which quickly developed into hysterics. She rose from her seat and crying bitterly almost shrieked, "Oh why do they say such things against Henry? It isn't true. The money did come from Aunt Hetty." She was led from the courtroom, "but for several minutes thereafter, her hysterical cries were clearly audible inside the courtroom."

Wittschen completed his presentation, and concluded by saying, "All of the posing of Crosby...all of his acting, all of his pretty speeches and all of his play for sympathy cannot wipe out the guilt of John Henry Nedderman before the jury. The single question at issue is whether or not Nedderman countenanced crime; whether he asked or received or agreed to receive money for the protection of gambling."

The Verdict

The case went to jury at 4 o'clock on Monday afternoon, and at noontime on Tuesday, October 21, after eighteen hours of deliberation, the jury returned a verdict of not guilty. On Monday evening, it was reported, the jurors voted nine to three for acquittal, and then ten to two. The first vote on Tuesday morning was eleven to one, and the second vote was unanimous:

As the forewoman of the jury, Miss Mary Crosby, announced the verdict tears welled into the eyes of Mrs. Nedderman, who sat with her son at her husband's side. She threw her arms about her son's shoulders and then leaned over and kissed her husband. Friends congregated in a moment about the family...

Among them were former Corporal O'Neill, Dave Cockrell, and Mrs. Nottingham.

The District Attorney said:

The evidence in this case showed that within fourteen months after the defendant became chief of police he deposited money in the bank and purchased property in excess of \$8,000 over and above his salary. The evidence shows he had no means before he became chief and he made no attempt to explain his sudden prosperity.

The evidence also has shown that, during the time the witnesses testified they were paying for protection, the bail deposited in the police courts of Oakland for gambling amounted to \$1,100 and in practically the same period after they refused to pay, the bail jumped to \$17,300.

I have no comment to make upon the action of the jury. I am going into the mountains of Northern California for a rest. When I come back I shall determine what further will be done with these cases.

P

No. 7132 Dept. 1

In the Superior Court
COUNTY OF ALAMEDA

Department No. _____

The People vs.
John H. Nedderman
Defendant

Verdict of Jury

Filed Oct 21st 1919
Ray E. Gross
Clerk

By La. R. R. R.
Deputy Clerk

Superior Court, County of Alameda

The People of the State of California
Plaintiff

vs.

John H. Nedderman
Defendant

No. 7132

We, the jury in the above entitled cause, find the Defendant
Not Guilty

Mary Cross
Foreman

Verdict: J. H. Nedderman

When Decoto came back from his vacation on Tuesday, November 4, he went before Judge Quinn and said,

If the court please, in these cases I have submitted to three separate juries all the evidence that I have been able to obtain against these defendants...However, it has been impossible to obtain a jury sufficiently free from misguided sympathy and self-interest to obtain for the people of this county a fair and impartial trial of these defendants...I feel that I have done my full duty and that further expenditure of the money of the taxpayers of this county in new trials of the defendants would not be justified by the results already obtained. I therefore ask your honor to dismiss the remaining indictments against the defendants, J. H. Nedderman, David Cockrell and Thomas O'Neill.

Judge Quinn ordered the cases stricken from the court calendar.

Commissioner Morse issued the following statement:

The action of the District Attorney is complete vindication of Nedderman. No man is guilty until so proved. He was compelled to resign under pressure when there was no proof of guilt. He is, therefore, in my belief, entitled to what he enjoyed at the time of his resignation, and I feel that he is legally in a position to demand such. However, I have made no promises to Nedderman and will withhold my decision until tomorrow...

Nedderman said,

I have just received a copy of the court's order dismissing all the remaining indictments against me. From the first I have been confident that I would be vindicated.

As to my plans for the future, I may say that I have been awaiting the outcome of these charges, and now that they are disposed of I stand ready to assume and perform whatever duties my superiors in the Police Department may assign to me.

Captain Petersen said, "Whatever the verdicts of the juries, the public, on the whole, believes Nedderman guilty. It is absurd to think of him being reinstated as chief."

That evening, at Commissioner Morse's request, the Civil Service Board reinstated Nedderman and O'Neill in the police department at the ranks of sergeant and corporal, respectively. A week later Morse announced without explanation that Nedderman would not be reinstated as Chief of Police.

COMMISSIONER MORSE FIRES CAPTAIN PETERSEN

On March 19, 1920, four months after the graft trials ended, and seven months after the end of the hearings initiated by Philip Reilly, Commissioner Morse fired Captain Petersen for "misconduct, incompetency, and failure to perform duties as Chief of Police" in 1916. Morse's action was upheld by a 3-2 Council majority (Mayor Davie and Commissioner Baccus dissenting). Captain Petersen, in announcing that he would appeal his discharge to the Civil Service Board, said, "I will most certainly fight the case to a finish."

The Civil Service Board granted Petersen's appeal, but, at Morse's urging, City Attorney Hagen took the case to the Court of Appeals. In addition to repeating Reilly's charges, the City Attorney argued that the Civil Service Board had no jurisdiction in the matter because Petersen "had not been for a number of years regularly a member of the civil service of the City of Oakland." He based this on the leaves of absence granted Petersen -- under the Charter -- by the City Council so that he could serve as Chief of Police and in the U.S. Army. The court found that the evidence submitted by the City "was of such a flimsy character as to require no refutation." It

ordered Petersen reinstated, and he returned to duty on July 7, 1920.

The next day Commissioner Morse fired him again, publishing in the notice of discharge a list of charges going all the way back to 1912 and including accusations from all the controversies that Petersen had been involved in. When Petersen read it, he said to Morse, "The only things you left out were arson and murder."

Petersen appealed to the Civil Service Board again and was reinstated on June 2, 1922. By this time, Commissioner Morse had been succeeded by a new Commissioner, and the new Commissioner accepted the Board's decision as a matter of course.

Contemporary observers believed Captain Petersen's successful fight for reinstatement set two important precedents. First, it established that the City is bound by the Charter and must abide by its own regulations. Second, it solidified the independence of the Civil Service Board by showing that its findings could hold even against a Council majority. They said that Petersen prevented the destruction of the Civil Service Board as a barrier against patronage and arbitrary exercise of authority.

On October 7, 1922, according to a report in the Tribune,

Captain Petersen returned to the city hall this morning after a two-weeks' vacation. He went into his own office and then entered the office of the chief of police. In the absence of Chief of Police James T. Drew, Captain of Police Frank Lynch has been acting chief.

"According to the terms of the city charter I am now chief of police pro tem," said Captain Petersen to Acting Chief Lynch, quoting the charter which specifies that in the absence of the chief the captain of inspectors assumes charge, and in the absence of both, the senior captain of police takes the chair.

"I bow to you, Chief," said Captain Lynch.

[Then] Petersen sat down, wrote out his resignation as captain of inspectors and acting chief of police, and forthwith turned the chair over to Lynch.

In a statement to the press, Petersen said, "I am leaving the police department with no hard feelings for anyone and I believe that I have made friends of all my old enemies...I have been vindicated and I have accomplished what I set out to do."

THE AFTERMATH

Dr. F. F. Jackson, despite the allegations against him during all three trials, was not indicted. After his defeat by Mr. Baccus in 1919, he never again held public office in Oakland, although he remained on the fringes of politics for many years.

Officer Charles Nightingale returned to duty in 1919. He was suspended again on July 13, 1921, "pending investigation of shooting of one J. Suppro [on] July 11, (resulting in death of Suppro)." It was alleged that Nightingale was intoxicated, but he claimed self-defense. Peter Crosby defended him, and he was acquitted in a jury trial. Nightingale resigned from the Department on January 11, 1922.

Former Chief Nedderman returned to duty as a Sergeant on November 5, 1919. He spent a period in the "fog belt" before being moved to the desk sergeant's spot at City Hall. Later, he was put in charge of the traffic detail. He resigned from the Department on March 13, 1922, to enter the automobile business, and in 1924 he ran for election to the Alameda County Board of Supervisors. After addressing a campaign meeting in Oakland on August 12, 1924, he suffered a stroke and died. Nedderman was only 49 years old.

Thomas O' Neill returned to duty and on November 15, 1919, was promoted to Sergeant. He retired on July 1, 1941, and died in an automobile accident June 29, 1942.

Herman Loorz died at the age of 46 in San Francisco, July 26, 1927.

David Cockrell died in San Francisco, April 2, 1941.

In later life Gee Sam Kee became known as the ex-officio mayor of Chinatown. Some people said his wealth was due to gambling, but his friends attributed most of it to successful farming ventures. And, they said, reverses in the Yuba County rice fields reduced him to "a person of moderate means." When he died in 1927, he was 64 years old and had been an Oakland resident for fifty years.

After reinstatement Captain Bock served until 1931, when ill health forced him to retire. He passed away on Friday, April 20, 1934. He had earned a reputation as a "diplomatic policeman, whose conciliatory tactics prevented many threatened disorders." An expert on the problems of "Chinese involved in police matters," he directed the Chinatown detail during the last years of the tong wars. In his private life, he was praised for his contributions to charity and for his involvement with youth groups.

On January 23, 1921, Chief Lynch was demoted and returned to his civil service rank of Captain. He had been Chief for one year and eight months. He remained on active duty until April 25, 1941. He had the longest career on record in the Department. He died on April 13, 1951, at 80 years of age.

Ezra Decoto resigned as District Attorney in 1925 to accept a position on the State Railroad Commission. Today he is best remembered as Earl Warren's mentor. Many years later Warren appointed him to the Superior Court.

Theodore Wittschen left the District Attorney's Office in 1922 to enter private practice. In 1925 he became chief counsel for the East Bay Municipal Utility District, a post he held for many years.

Peter J. Crosby continued as a successful criminal defense lawyer until appointed to the Superior Court. He and Theodore Wittschen each served a term as president of the California Bar Association.

Commissioner Morse did not run for reelection in 1921 and never again held public office. In a case related to the graft hearings and brought on behalf of Captain Petersen, he was acquitted. The Court held that Mr. Morse had acted "in good faith in an honest endeavor to do what he believed to be his duty."

At the time of his resignation, Captain Petersen had accepted a position with the Pacific American Steamship Company. The company sent him to Washington, D.C., as its lobbyist. Years later, when he retired from business, he returned to Oakland, and he died here on October 9, 1958.

The scandal of 1919 ended with many questions unanswered. The juries, the Civil Service Board, and the various appeals courts found everyone innocent. These verdicts notwithstanding, unless it was all a gigantic misunderstanding, someone was guilty of something. The records of Chief Nedderman's bank account and property purchases remain as powerful indications of that. The scandal showed weaknesses in the Commission form of government and, in the Police Department, it exacerbated what would now be called "management control" issues (e.g., reporting procedures, officer accountability). It was up to new leaders to heal the wounds and try to apply the lessons that were there to be learned from the scandal.

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